

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA)	Criminal Case No. 3:05cr00017-1
)	
v.)	<u>2255 FINAL ORDER</u>
)	
DEREK F. GAVEGNANO)	By: Norman K. Moon
)	United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the United States' motion for summary judgment (Docket No. 134) is **GRANTED**; Gavegnano's motion to vacate, set aside, or correct sentence (Docket No. 129) is **DISMISSED**; and this matter is **STRICKEN** from the active docket of the court.

Further, the court finds that Gavegnano has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

ENTER: This 21st day of May, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE